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Crime prevention and criminal justice

Technical assistance for implementing the international conventions and protocols related to counter-terrorism

Note by the Secretariat

By its resolution 2017/17, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

Technical assistance for implementing the international conventions and protocols related to counter-terrorism

The General Assembly,

Recalling all relevant United Nations resolutions on technical and legislative assistance in countering terrorism, especially the most recent ones,[1]

Reaffirming its resolution 70/291 of 1 July 2016, entitled "The United Nations Global Counter-Terrorism Strategy Review",

Recalling that terrorism in all its forms and manifestations constitutes one of the most serious threats to peaceful and secure societies and that all acts of terrorism are criminal and unjustifiable, regardless of their motivations, whenever and by whomsoever committed and that they are to be unequivocally condemned, especially when they indiscriminately target or injure civilians,

Stressing again the need to strengthen international, regional and subregional cooperation to effectively prevent and combat terrorism, in particular by enhancing the national capacity of States through the provision of technical assistance, based on the needs and priorities identified by requesting States,

[1] General Assembly resolutions 70/148, 70/177, 70/291, 71/151 and 71/209; and Security Council resolutions 2133 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2253 (2015), 2309 (2016), 2322 (2016), 2341 (2017), 2347 (2017) and 2349 (2017).

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Emphasizing the need to address the conditions conducive to the spread of terrorism while fully respecting the fundamental principles and purposes of the Charter of the United Nations and international law,

Recalling the Declaration and Programme of Action on a Culture of Peace[2] and the Global Agenda for Dialogue among Civilizations,[3]

Recalling in particular its resolution 70/177 of 17 December 2015, in which it, inter alia, called upon the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, for building the capacity of Member States to become party to and implement the international conventions and protocols related to counter-terrorism, including through targeted programmes and the training of relevant criminal justice and law enforcement officials, the development of and participation in relevant initiatives and the elaboration of technical tools and publications, in consultation with Member States,

Reiterating all aspects of the United Nations Global Counter-Terrorism Strategy[4] and the need for States to continue to implement the Strategy, as reaffirmed in its resolution 70/291,

Recognizing the importance of countering terrorism and preventing violent extremism as and when conducive to terrorism, and in that regard stressing the importance of an integrated and balanced implementation of the United Nations Global Counter-Terrorism Strategy across its four pillars, reaffirming the principal responsibility of Member States to implement the Strategy,

Noting, in that regard, the need to continue to counter terrorism in all its forms and manifestations, including any existing, growing or potential links, in some cases, between transnational organized crime, illicit drug-related activities, money-laundering and the financing of terrorism, in order to enhance criminal justice responses to those crimes,

Noting with appreciation the ongoing work of the United Nations Office on Drugs and Crime to support Member States in their efforts to prevent and counter terrorism in all its forms and manifestations in the crime prevention and criminal justice context, reiterating that that work needs to be done in close coordination with Member States,

Taking note of the report of the Secretary-General on technical assistance in implementing the international conventions and protocols related to terrorism,[5]

Reaffirming that terrorism in all its forms and manifestations cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Recognizing the ongoing efforts of the Secretary-General to improve the coordination of the work of United Nations entities on counter-terrorism and to ensure a balanced implementation of all four pillars of the United Nations Global Counter-Terrorism Strategy,

1. *Urges* Member States that have not yet done so to consider becoming parties to the existing international conventions and protocols

[2] General Assembly resolutions 53/243 A and B.
[3] General Assembly resolution 56/6.
[4] General Assembly resolution 60/288.
[5] E/CN.15/2017/5.

related to counter-terrorism, and requests the United Nations Office on Drugs and Crime, within its mandate, in close coordination with the relevant entities of the Counter-Terrorism Implementation Task Force, to continue to provide technical assistance to Member States for the ratification and legislative incorporation of those international legal instruments;

2. *Encourages* Member States to continue to promote, at the national level, effective coordination among law enforcement and other relevant entities and authorities responsible for preventing and countering terrorism, and requests the United Nations Office on Drugs and Crime, upon request and within its mandate, to continue to provide technical assistance in that regard;

3. *Urges* Member States to continue to strengthen international coordination and cooperation in order to prevent and counter terrorism in all its forms and manifestations in accordance with international law, including the Charter of the United Nations, to effectively implement relevant international instruments and United Nations resolutions, to consider entering, when appropriate, into treaties on extradition and mutual legal assistance, and to ensure adequate training of all relevant personnel on executing international cooperation activities, and calls upon all States to consider providing the United Nations Office on Drugs and Crime with the contact details of and other relevant information about designated authorities for its repository database;

4. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to provide technical assistance, upon request, to Member States to those ends, including by continuing and enhancing its assistance related to international legal and judicial cooperation pertaining to countering terrorism, including in criminal matters related to foreign terrorist fighters, and by fostering the development of strong and effective central authorities for international cooperation in criminal matters;

5. *Stresses* the importance of the development and maintenance of effective, fair, humane, transparent and accountable criminal justice systems in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, whenever appropriate, to take into account in its technical assistance to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

6. *Requests* the United Nations Office on Drugs and Crime, within its mandate in the area of countering and preventing terrorism in all its forms and manifestations, to continue to develop specialized legal knowledge and to continue to strengthen the provision of technical assistance to Member States, upon request, on effective measures for criminal justice responses addressing the prevention of terrorism in compliance with all their obligations under international law, in particular human rights, refugee and humanitarian law, in full conformity with human rights and fundamental freedoms;

7. *Calls upon* the United Nations Office on Drugs and Crime to further enhance technical assistance, upon request, for building the capacity of Member States to become party to and implement the international conventions and protocols related to counter-terrorism, including through targeted programmes and the training of relevant criminal justice and law enforcement officials, upon request, to develop their capacity to effectively respond to, prevent, investigate and prosecute terrorist acts, the development of and participation in relevant initiatives and the development of technical

tools and publications, within its mandate and in close consultation with Member States;

8. *Requests* the United Nations Office on Drugs and Crime, within its mandate and in collaboration with, when appropriate, the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force, to continue to provide assistance to requesting Member States in addressing the threat of foreign terrorist fighters, including returning foreign terrorist fighters, through its capacity-building activities, with regard to enhancing their cooperation, developing relevant measures and developing appropriate criminal justice responses, to prevent the financing, mobilization, travel, recruitment, organization and radicalization of foreign terrorist fighters, to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, and to develop and implement appropriate criminal justice responses, including prosecution and effective reintegration strategies for returning foreign terrorist fighters, in compliance with relevant obligations under international and domestic law;

9. *Encourages* Member States to further identify, analyse and counter any existing, growing or potential links, in some cases, between transnational organized crime, illicit drug-related activities, money-laundering and the financing of terrorism, in order to enhance criminal justice responses to those crimes, and calls upon the United Nations Office on Drugs and Crime, within its relevant mandates, to support, upon request, the efforts of Member States in that regard;

10. *Calls upon* Member States to strengthen border management to effectively prevent the movements of foreign terrorist fighters and terrorist groups, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance to that end to requesting States;

11. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to support requesting Member States in the implementation of capacity-building programmes to strengthen crime prevention and criminal justice responses to the destruction of and trafficking in cultural heritage by terrorists;

12. *Also requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to develop its specialized legal knowledge in close consultation with Member States in order to continue to provide assistance to requesting Member States so as to prevent and counter the use of information and communications technology, in particular the Internet and other media, to plan, incite, recruit for, fund or commit terrorist attacks, and to support those Member States in effectively criminalizing, investigating and prosecuting such acts in accordance with domestic law and applicable international law on due process while fully respecting human rights and fundamental freedoms, including the right to privacy and the freedom of expression, and to encourage the use of the Internet as a tool for countering the spread of terrorism;

13. *Further requests* the United Nations Office on Drugs and Crime to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation, with emphasis on the special needs of women and children;

14. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Violence against Children, to continue to support requesting Member States, in accordance with relevant national legislation, in ensuring that children alleged to have, accused of having, or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crime, are treated in a manner that observes their rights and respects their dignity in accordance with applicable international law, in particular the obligations under the Convention on the Rights of the Child,[6] and that relevant measures are taken to effectively reintegrate children formerly associated with armed groups and terrorist groups;

15. *Encourages* the United Nations Office on Drugs and Crime to assist Member States, upon request, in mainstreaming gender perspectives into criminal justice responses to terrorism, in full compliance with human rights law, in order to prevent the recruitment of women and girls as terrorists and promote the full protection of women and girls from any form of exploitation or violence perpetrated by terrorists;

16. *Urges* the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and its Executive Directorate and the Counter-Terrorism Implementation Task Force, to continue to strengthen its cooperation with international organizations and relevant entities of the United Nations system, as well as with international, regional and subregional organizations and arrangements, in the delivery of technical assistance, whenever appropriate, and notes the ongoing joint initiatives developed by the Office with the Committee and its Executive Directorate and the entities of the Task Force;

17. *Expresses its appreciation* to Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites Member States to consider making additional sustainable voluntary financial contributions and providing in-kind support, in particular in view of the need for enhanced and effective delivery of technical assistance to assist Member States with the implementation of the relevant provisions of the United Nations Global Counter-Terrorism Strategy;[4]

18. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with sufficient resources to carry out activities, within its mandate, to assist Member States, upon request, in the implementation of the relevant elements of the United Nations Global Counter-Terrorism Strategy;

19. *Also requests* the Secretary-General to submit to the General Assembly at its seventy-third session a report on the implementation of the present resolution.

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[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.